

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

**UNITED STATES OF AMERICA**

v.

**JESSE E. HOFFMAN, III,**

Defendant.

)  
)  
) Case No. 3:01CR00015-001  
)

) **FINAL ORDER**  
)

) By: James P. Jones  
) United States District Judge  
)

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** as follows:

1. The defendant's motion styled as "Motion Pursuant to Subject Matter Jurisdiction" (ECF Nos. 148, 149) is DENIED, and the defendant's submission is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28. U.S.C.A. § 2255;

2. The Clerk is DIRECTED to redocket the motion as a § 2255 motion;

3. The § 2255 motion is hereby DENIED without prejudice as successive and **stricken** from the active docket; and

4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: October 29, 2012

/s/ JAMES P. JONES  
United States District Judge